

MAY 20 2009

**COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)**Docket No.
DAM 581-02

In Re Application Of: Cheng J. Cao, et al

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/631,224	07/28/2003	Shahnan Shah, Khatol S.	24211	1645	3741

Invention: Methods for Determining the Presence of Staphylococcal Enterotoxin A Gene in a Sample

COMMISSIONER FOR PATENTS:

This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of 01/26/2009 in the above-identified application.

Date

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated 01/26/2009 finally rejecting Claim(s) 15, 23 and 24

Applicant(s) hereby request(s) an extension of time of (check desired time period):

☒ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: 04/27/2009 until: 05/26/2009

Date

Date

The fee for the Notice of Appeal and Extension of Time has been calculated as shown below:

Fee for Notice of Appeal: \$540.00

Fee for Extension of Time: \$130.00

TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME: \$670.00

The fee for the Notice of Appeal and extension of time is to be paid as follows:

☐ A check in the amount of _____ for the Notice of Appeal and extension of time is enclosed.

☒ Please charge Deposit Account No. 19-2201 in the amount of \$670.00

☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No.

☒ Any additional filing fees required under 37 C.F.R. 1.16.

05/21/2009 HMARZI1 00000013 192201 10631224

☒ Any patent application processing fees under 37 CFR 1.17.

01 FC:1401 540.00 DA
02 FC:1251 130.00 DA

☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 19-2201.

☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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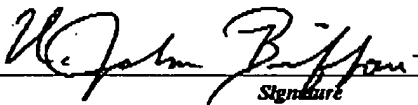
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TO THE COMMISSIONER FOR PATENTS:

This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:



Signature

Dated: May 20, 2009

U. John Biffoni
Attorney for Applicant
Registration No. 39, 908
410-436-1158

Certificate of Transmission by Facsimile*

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(Fax no. 571-273-8300) on

5/20/2009
(Date)



Signature

Vicki A. Upchurch

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a) on

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